

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

FutureGen Industrial Alliance, Inc.	:	
	:	
Application for a Certificate Authorizing the	:	13-0252
Construction and Operation of a Carbon	:	
Dioxide Pipeline.	:	

**MOTION TO STRIKE PORTIONS OF FUTUREGEN’S REPLY BRIEF
OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION**

The Staff of the Illinois Commerce Commission (“Staff”), by and through its counsel, and pursuant to Section 200.190 of the Illinois Commerce Commission’s (“Commission” or “ICC”) Rules of Practice (83 Ill. Adm. Code 200.190), respectfully submits this Motion to Strike portions of the Reply Brief (“RB”) filed by Petitioner in the above-captioned matter.

The Rules of Practice at the Commission are clear that “[p]arties and Staff shall not raise an argument in their reply briefs that is not responsive to any argument raised in any other party’s or the Staff’s opening briefs.” 83 Ill. Admin. Code § 800(c). Despite this, however, FutureGen attempts to reiterate its own arguments in Section A of its RB, none of which are responsive to Staff’s Initial Brief. (FutureGen RB at 2-4.) Staff’s Initial Brief was the only opening brief submitted in this proceeding, other than FutureGen’s own Initial Brief. FutureGen should not be permitted two attempts to present its initial

arguments, as Staff would be unfairly prejudiced by this attempt. Therefore, Staff respectfully requests that Section A of FutureGen's RB be stricken in its entirety.

Respectfully,

____/s/_____

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